

“The City With a Heart”

Larry Franzella, Mayor
Ken Ibarra, Vice Mayor
Rico E. Medina, Councilmember
Irene O’Connell, Councilmember
Jim Ruane, Councilmember

MINUTES CITY COUNCIL REGULAR MEETING November 27, 2007 7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT The San Bruno City Council met in regular session on November, 2007 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the San Bruno Garden Club for the beautiful flower arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella with Vice Mayor Ibarra and Councilmembers Ruane, Medina and O’Connell in attendance. Recording by Clerk Bonner.

a. Adopt a Resolution of the City Council of the City of San Bruno, California, Reciting the Fact of the General Municipal Election Held on November 6, 2007, Declaring the Result and Such Other Matters as Provided by Law.

City Clerk Bonner recommended the City Council adopt a **resolution certifying the results** of the November 6, 2007 General Municipal Election.

Clerk Bonner read the results of voting into the record. The County of San Mateo Election Officials certified the Election at 9:00 a.m. today. Elected to a 2-year term, as Mayor was Larry Franzella. Elected to a 4-year term, as Councilmembers were Irene O’Connell and Jim Ruane. City Measure “F” failed with a majority vote.

b. OATH OF OFFICE & CERTIFICATES OF ELECTION:

City Clerk Bonner Administered the Oath of Office and Present Certificates of Election to Newly Elected Mayor Larry Franzella, Councilmember Irene O’Connell, and Councilmember Jim Ruane.

Irene O’Connell introduced her family members and thanked the people who voted for her.

Jim Ruane introduced his family members and thanked all of his supporters.

Larry Franzella acknowledged County Board Supervisor Jerry Hill and Chief Legislative Aide, Edwin Chan, representing Mark Church. He said this was his seventh swearing in and he was humbled by the continued confidence of the people of San Bruno and thanked everyone.

c. SELECTION OF VICE MAYOR:

Approve Annual Reorganization of the City Council and Appoint of Vice Mayor to Serve a One-Year Term.

M/S Vice Mayor Ibarra/Medina nominated Councilmember O’Connell to Vice Mayor for a one-year term and passed with all ayes.

Mayor Franzella called for a recess at 7:14 p.m. Council returned to the dias at 7:35 p.m.

Mayor Franzella said while they moved through Item 2.a., the resolution was not introduced and a roll call needed to take place. **Councilmember Ruane** introduced the resolution for adoption and passed with a unanimous vote.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Led by **Clerk Bonner**.

3. ANNOUNCEMENTS:

- a. **Mayor Franzella** announced the Annual Holiday Tree Lighting Will be Held Thursday, December 6, 2007, 5:30 p.m. at the Veterans Memorial Recreation Center in San Bruno City Park.
- b. **Mayor Franzella** announced the 11th Annual “Coats for Kids” Program Distribution Will Take Place at the Volunteer Firemen’s Hall, 618 San Mateo Avenue on Thursday, November 29, 2007, from 3:00 to 6:00 p.m.
- c. **Mayor Franzella** said there is no City Council Meeting on the Fourth Tuesday in December. He announced the next regular City Council Meeting would be held on January 8, 2008.

4. PRESENTATIONS:

Mayor Franzella Presented a Proclamation Recognizing Tony Yaquinto for his Service to Local Veterans. **Tony Yaquinto** thanked everyone in the audience and at home. He accepted his proclamation on behalf of the people of San Bruno and San Mateo County who helped him.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Meeting of November 13, 2007, approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Payroll of November 11, 2007.
- b. **Approve:** Accounts Payable of November 5 and 12, 2007.
- c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated October 31, 2007.
- d. **Waive:** Second Reading and Adopt Accessory Buildings Ordinance, Amending Section 12.84.140 of the San Bruno Municipal Code to Specify a Maximum Height for Accessory Buildings, Specify a Maximum Lot Coverage within the Rear Setback, Clarify Accessory Building Height Measurements, and Clarify Consistency with the California Building Code.

M/S Ibarra/Medina to approve the consent calendar and passed with all ayes.

8. PUBLIC HEARINGS:

- a. Hold Public Hearing, Waive Second Reading and Adopt 2007 Fire and Building Codes to be Adopted by Reference and Adopt Resolution Approving Findings of Necessity and Need for Amendments, Deletions and Additions to the 2007 Fire and Building Codes.

Chief Voreyer reviewed the staff report and highlighted the amendment for the installation of smoke alarms to be one of the most comprehensive smoke alarm amendments in the State of California.

Councilmember Ibarra asked for clarification that the new codes would start January 1? **Chief Voreyer** said January 1, 2008.

Councilmember Medina expressed his appreciation for smoke detectors and felt the tragedy experienced in San Bruno that led to going forward to encourage everyone to have smoke alarms. He commended the Chief and the Department.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S Medina/Ibarra to close the public hearing and passed with all ayes.

M/S Ruane/Ibarra to waive the second reading and passed with a unanimous vote.

Councilmember Ruane introduced the adoption of the 2007 Fire and Building Codes and the Resolution approving findings of necessity and need for amendments. He cited the following ordinances:

- 1) Ordinance adopting by reference the 2007 Administrative & Reference Standards (Ch 11.02)
- 2) Ordinance adopting by reference the 2007 Building Code (Ch. 11.04)
- 3) Ordinance adopting by reference the 2007 Energy Code (Ch. 11.06)
- 4) Ordinance adopting by reference the 2007 Mechanical Code (Ch. 11.08)
- 5) Ordinance adopting by reference the 1997 Housing Code (Ch. 11.12)
- 6) Ordinance adopting by reference the 2007 Electrical Code (Ch. 11.16)
- 7) Ordinance adopting by reference the 2007 Plumbing Code (Ch. 11.20)
- 8) Ordinance adopting by reference the 2007 Fire Code (Ch. 11.24)

b. Hold Public Hearing and Adopt Resolution Approving Request for Citizen's Option for Public Safety Funds for FY 2007-08 in the Amount of \$100,000.

Chief Telford reviewed the staff report and asked for questions.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S Ibarra/Medina to close the public hearing and passed with all ayes.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

9. CONDUCT OF BUSINESS:

a. Adopt Resolution Authorizing the City Manager to Execute a Contract with Chrisp Company in the Amount of \$49,868, and Authorizing a Total Construction Budget of \$57,348, for the Construction of the School Crosswalk Refurbishment Project, a Project of the 2007-08 Streets Capital Improvement Program.

Engineer Davis reviewed the staff report and requested authorization to award a contract.

Councilmember Ibarra asked about reference to certain sidewalks. He asked if there were some areas that won't be improved? **Engineer Davis** said improvements would be made at crosswalks in proximity to every school. He believed it was 34 locations.

Councilmember Medina asked if it was all elementary schools in the City of San Bruno? He said currently we are doing it annually, and it won't be four to five years until it is done again? **Engineer Davis** concurred.

Councilmember Ruane introduced the resolution for adoption and passed with a unanimous vote.

b. Receive Oral Report on Status of Public Emergency at Hillside Behind 1400 Block Claremont Drive.

Engineer Davis updated the work in progress on the hillside behind Claremont Drive.

c. Adopt Resolution Authorizing City Manager to Approve Contract for Purchase of Asphalt Pulverizing/Recycling/Trenching Machine from Asphalt Zipper, Inc. in the Amount of \$86,546.

Interim Public Works Director Chambers reviewed the staff report and introduced **Central Garage Manager Dave Lind** who recommended the purchase of a asphalt pulverizing/recycling/trenching machine to be used by the Streets and Wastewater Departments.

Councilmember Ibarra asked if this was a smaller version of what was seen on San Bruno Ave. and if it is, what would be the smallest patch? **Central Garage Manager Lind** said this was a much smaller version. It sits in a bucket of a front-loading machine and cuts a path about 3 ' wide.

Councilmember Medina asked for clarification that this machinery, in the long run, would save staff time and resources. **Central Garage Manager Lind** said it will take less time to do repair on a sewer and more time to repair a pothole, but the repair will be done once and the road will be like it was originally and it will last for years. **Councilmember Medina** asked if this machine would be a benefit to the City and the Department and **Central Garage Manager Lind** concurred.

Councilmember Ibarra said he understood the concept of permanent replacement of potholes; however, over time, there will be 3 ' by 6' foot patches throughout the City. He said appearance is a concern. **Interim Public Works Director Chambers** said it doesn't remove the need to repair the local streets. It just makes for better pothole repair.

Vice Mayor O'Connell asked the smallest repair that can be made. **Central Garage Manager Lind** said they could be 3' by 2'. **Vice Mayor O'Connell** asked which potholes get repaired first? **Interim Public Works Director Chambers** said the Corp Yard gets requests, which are logged in. After a group of them have been received, they send a crew out to spend a day repairing potholes. Dangerous potholes are repaired immediately. She also said about 4800 a year are repaired.

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote.

d. Adopt Resolution Authorizing the Submittal of an AB 303 Local Groundwater Assistance Program Grant Proposal to the State Department of Water Resources in the Amount of \$250,000 for the Development of a South Westside Basin Groundwater Management Plan.

Interim Public Works Director Chambers reviewed the staff report.

Councilmember Ruane asked if the \$250,000 is for San Bruno? **Interim Public Works Director Chambers** said San Bruno is taking the lead to file the grant but it would be used jointly by the South Westside Basin Partners.

Councilmember Ibarra asked if this was done before? **Interim Public Works Director Chambers** said she understood there had been a draft, which had never made it to a written format.

Councilmember O'Connell said she thought this was a great idea and she applauded the department for going after the grant.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Approving Amendment to Professional Services Agreement with Dyett and

Bhatia in the Amount of \$28,630 for Completion of the General Plan Update and Environmental Impact Report (EIR).

Community Development Director Akin reviewed the staff report.

Councilmember Ibarra asked what the \$28,000. was for. **Community Development Director Akin** said it was to complete the final four steps. **Councilmember Ibarra** asked if it was included in the original plan. **Community Development Director Akin** said it was included; not included was the transit-oriented development work and the AB32 work. **Councilmember Ibarra** said it seems like almost 50% of what was originally agreed on. He asked if it was a lot of work? **Community Development Director Akin** said there are cascading effects.

Councilmember Ibarra adopted the resolution for adoption and passed with a unanimous vote.

f. Adopt Resolution Authorizing the City Manager to Execute a 5-Year Fiber Lease Agreement with Google, Inc.

Cable Director Gyaltsen reviewed the staff report and asked if there were questions.

Councilmember Medina asked if there was a dollar figure for City's responsibility for repair and maintenance? **Cable Director Gyaltsen** said the fiber requires minimal maintenance; however, he wasn't sure of the cost. **Councilmember Medina** expressed concern if there was an unsurety of the cost, how did we know we weren't getting in over our heads? **Cable Director Gyaltsen** in case of damage to our infrastructure, it would be covered by insurance or someone would be billed for repair. **Councilmember Medina** asked if a subcontractor came from another City and cut our wires and we were out for a couple of days, are we responsible? **Cable Director Gyaltsen** said there is a service-level agreement in the lease agreement that establishes guidelines for restoring service.

Councilmember Ibarra asked "if we are protected.?" **Cable Director Gyaltsen** said those were valid concerns that had been thought out. He said if there was outage in an area it would impact San Bruno as well and if someone else does damage, they will be held accountable. He added we are protected by insurance, we are self-insured.

Councilmember Medina asked if the City Attorney was confident with this agreement and all the concerns addressed. **City Attorney Thompson** said it is a reasonable lease, but she said the question posed about the loss of business is something she would verify.

Mayor Franzella asked if this should come back to Council. **City Attorney Thompson** said it could be adopted subject to her reviewing that particular provision and if it is inadequate she would request Cable bring it back to Council.

Councilmember O'Connell introduced the resolution for adoption subject to the City Attorney's review of that provision and passed with a unanimous vote.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: No comments.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS:

Mayor Franzella asked staff to give an update on the Tree Top property/Pacific Bay Vista. **Community Development Director Akin** said about a year ago the Council had approved a planned development zoning change in the area. He said in late September, early October they

submitted an application to the Planning Division with a revision to their planned development permit with a whole new architectural scheme with a slight site plan provision. The application was reviewed and returned as incomplete. He said he expects it back from them late this week or early next week. Once it is reviewed and it is complete, it should go before the Planning Commission in February or early March.

Mayor Franzella asked about the fence. **Community Development Director Aknin** said it was replaced in a little over twenty-four hours.

Mayor Franzella, on behalf of Vice Mayor O'Connell asked the whole project come to Council for final review.

Community Development Director Aknin said there are security guards stationed there twenty-four hours/seven days a week. There are clean-ups. He said if the public saw anything, feel free to contact Community Development and they would contact the developer.

Councilmember Ibarra congratulated Larry Franzella, Jim Ruane and Irene O'Connell on their win. He also thanked everyone for their help in the Measure F campaign. He felt this Council would still make improvements throughout this community.

Mayor Franzella recessed the meeting at 8:29 to do a Special Meeting to interview potential Commissioners, Board and Committee members. The special meeting concluded at 9:00 p.m. at which time Council went into closed session with no reportable business.

13. CLOSED SESSION:

a. Closed Session to Provide City Attorney Direction on Whether to Initiate Legal Action. (Gov't Code Section 54956.9(c)).

b. Closed Session to Provide City Attorney Direction on Potential Litigation. (Gov't Code Section 54956.9(b)(1)).

14. ADJOURNMENT: There being no further business to transact, the meeting concluded at 10:00 p.m. The next City Council Meeting will be held on December 11, 2007 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road.

Respectfully submitted for approval
at the regular City Council Meeting of
December 11, 2007

Carol Bonner, City Clerk

Larry Franzella, Mayor